

## REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH\*

Attorney Docket Number:	183.39735AX5	Patent Number:	7,578,852
Filing Date (or 371(b) or (f) Date):	March 16, 2006	Issue Date:	August 25, 2009
First Named Inventor: Barry W. Townsend			
Title: Prosthetic Foot With Tunable Performance and Improved Vertical Load/Shock Absorption			

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Gregory E. Montone/ 	Date February 19, 2010
Name (Print/Typed) Gregory E. Montone	Registration Number 28,141
<p><i>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.</i></p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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(12) **United States Patent**  
**Townsend et al.**

(10) **Patent No.:** **US 7,578,852 B2**  
(45) **Date of Patent:** **Aug. 25, 2009**

(54) **PROSTHETIC FOOT WITH TUNABLE PERFORMANCE AND IMPROVED VERTICAL LOAD/SHOCK ABSORPTION**

(56) **References Cited**

## U.S. PATENT DOCUMENTS

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(75) **Inventors:** **Barry W. Townsend**, Bakersfield, CA (US); **Byron Kent Claudio**, Bakersfield, CA (US)

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(73) **Assignee:** **Bioquest Prosthetics, LLC**, Bakersfield, CA (US)

CA 2103341 A1 4/1995

(\*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(Continued)

(21) **Appl. No.:** **10/551,420**

## OTHER PUBLICATIONS

Supplementary European Search Report; EP 02 71 3785; May 22, 2006.

(22) **PCT Filed:** **Mar. 31, 2003**

(Continued)

(86) **PCT No.:** **PCT/US03/09506**

*Primary Examiner*—Alvin J Stewart  
*(74) Attorney, Agent, or Firm*—Antonelli, Terry, Stout & Kraus, LLP.

§ 371 (c)(1),  
(2), (4) Date: **Mar. 16, 2006**

(57) **ABSTRACT**

(87) **PCT Pub. No.:** **WO2004/096104**

A prosthetic foot (64) incorporates a foot keel (65) and a calf shank (73) connected to the foot keel to form an ankle joint area (74) of the prosthetic foot. The foot keel has forefoot and hindfoot portions (67, 66) and a relatively long midfoot portion (68) extending between and upwardly arched from the forefoot and midfoot portions. The calf shank includes a downward convexly curved lower end which is attached at a portion thereof to the keel midfoot portion by way of an adjustable fastener arrangement (75). The adjustable fastener arrangement permits adjustment of the alignment of the calf shank and the foot keel with respect to one another in the longitudinal direction of the foot keel for tuning the performance of the prosthetic foot. The upwardly arched midportion of the foot keel, in addition to absorbing energy from vertical loading by expansion, can be formed with a coiled spring (69) which is compressed to absorb and expanded to return vertical load during use of the prosthetic in wide range of activities from walking to running and jumping.

PCT Pub. Date: Nov. 11, 2004

(65) **Prior Publication Data**

US 2006/0178754 A1 Aug. 10, 2006

**20 Claims, 12 Drawing Sheets****Related U.S. Application Data**

(63) Continuation-in-part of application No. 09/820,895, filed on Mar. 30, 2001, now Pat. No. 6,562,075.

(51) **Int. Cl.**  
*A61F 2/66* (2006.01)  
*A61F 2/68* (2006.01)

(52) **U.S. Cl.** ..... **623/55, 623/53**  
(58) **Field of Classification Search** ..... **623/46, 623/42, 47-56**

See application file for complete search history.

